

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JASON RENAE SHERIDAN,**

**Plaintiff,**

**vs.**

**No. 18-cv-0780 JCH/SMV**

**JAMES A. DICKENS and DAVID HUNTER,**

**Defendants.**

**ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL**

THIS MATTER is before the Court on Plaintiff's Motion for Appointment of Counsel [Doc. 8] and the letter request for appointment of counsel [Doc. 7] filed by Plaintiff Jason Renae Sheridan. The Court will deny the requests. There is no right to appointment of counsel in a civil rights case. *Beaudry v. Corr. Corp. of Am.*, 331 F.3d 1164, 1169 (10th Cir. 2003); *MacCuish v. United States*, 844 F.2d 733, 735 (10th Cir. 1988). In fact, United States district courts lack the authority to appoint counsel to represent indigent prisoners in § 1983 cases. *Mallard v. U.S. Dist. Court*, 490 U.S. 296, 298 (1989). Instead, the decision whether to request assistance of counsel rests in the sound discretion of the Court. *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004). In determining whether to request assistance of counsel, the Court should consider the merits of the litigant's claims, the nature and complexity of the factual and legal issues, and the litigant's ability to investigate the facts and to present his claims. *Id.* The Court has reviewed the Complaint and subsequent filings in light of the foregoing factors. Plaintiff appears to understand the issues in the case and to be representing himself in an intelligent and capable manner. *See Lucero v. Gunter*, 52 F.3d 874, 878 (10th Cir. 1995). Accordingly, the Court

will **DENY** the Motion for Appointment of Counsel [Doc. 8] and the letter request for appointment of counsel [Doc. 7].

**IT IS ORDERED** that the Motion for Appointment of Counsel [Doc. 8] and the letter request for appointment of counsel [Doc. 7] filed by Plaintiff Jason Renae Sheridan are **DENIED**.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**